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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,292	10/04/2001	Jen-Houne Hannsen Su	82,593	3357

7590 01/20/2004

Naval Surface Warfare Center
Carderock Division
Office of Counsel, Code 004
9500 MacArthur Boulevard
West Bethesda, MD 20817-5700

EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,292

Applicant(s)

SU ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,8,10-16 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16,18-27 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-4,7,11, 12, 28,29 and 31 is/are rejected.
- 7) ☒ Claim(s) 8,10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Objections

2. Claims 1-4, 7, 8, 10-13, 28, and 29 are objected to because of the following informalities:

- The phrase "said streamlined resilient element" in line 20 of claim 1 should be changed to --said at least one streamlined resilient element--to maintain consistent terminology;
- The phrase "said at least one streamlined resilient element member" first claimed in but not limited to lines 6-7 of claim 8 should be changed to --said at least one interposed streamlined resilient element member-- in order to maintain consistent terminology;

The remaining claims are objected to due their dependency from one of claims 1 and 8. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 7, 11, 12, 28, 29, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. The phrase "the same passivity-related frequency bandwidth"

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claimed in line 19 of claim 1 is indefinite. The use of the phrase "the same" suggests that a passivity-related frequency bandwidth was previously recited.

Re: claim 11. The phrases "said cylindrical streamlined resilient element", "said toroidal streamlined resilient element", and "said segmentedly toroidal streamlined resilient element" lack proper antecedent basis since the phrases --a cylindrical streamlined resilient element--, --a toroidal streamlined resilient element--, and --a segmentedly toroidal streamlined resilient element-- were not previously recited. Examiner notes that claim 11 merely broadly recites that the "streamlined resilient element has a shape which is selected from the group consisting of spherical, prolate spheroidal, cylindrical, toroidal and segmentedly toroidal".

Re: claim 31. The phrases "the geometric line" in line 2 and "said approximately concentric alignment" in lines 1-2 from the bottom lack proper antecedent basis.

The remaining claims are indefinite due to their dependency from one of claims 1 and 11.

Allowable Subject Matter

5. Claims 1-4, 7, 28, and 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. Claims 11, 12, and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 8, 10, and 13 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

8. Claims 14-16, 18-27, and 30 allowed.

The prior art of record fails to show or suggest the limitation of an annular or ring-shaped actuator with the at least one streamlined resilient element being positioned within the interior of the circumference of annular actuator between first and second members or adjoining the second member at a location circumscribed by the annular actuator as claimed in each of the independent claims.

Response to Arguments

9. Applicant's arguments, see pg. 21 of the Remarks, filed 11/20/03, with respect to the double patenting rejections have been fully considered and are persuasive. The double patenting rejections of claims 14, 22, and 24 have been withdrawn. Examiner notes that the Su reference fails to show or suggest the teaching of an annular or ring-shaped actuator with the at least one streamlined resilient element being positioned within the interior of the circumference of annular actuator between first and second members or adjoining the second member at a location circumscribed by the annular actuator as claimed in each of the independent claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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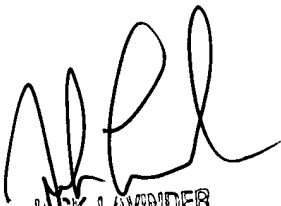
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 1/12/04
mmb
January 12, 2004


JACK LAVINDER
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3683